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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Isabelle Ahrens-Fath

Examiner: Michael D. Pak

Serial No.: 09/997,267

Group Art Unit: 1646

Filed: November 30, 2001

Title: NEW HUMAN ANDROGEN RECEPTOR VARIANTS

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Restriction Requirement dated July 5, 2005, Applicants hereby elect with traverse Group I, Claims 1-3 and 12-15 drawn to isolated nucleic acid of SEQ ID NO:1.

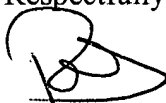
There is an error in the Restriction Requirement. It is stated that the nucleic acid and polypeptide are for the "potassium channel." However, the claims relate to androgen receptors. Moreover, the restriction only mentioned SEQ ID NOS: 1 and 2. In fact, the claims additionally involve SEQ ID NOS: 3 and 4. SEQ ID NOS: 1 and 2 relate to AR42 and SEQ ID NOS: 3 and 4 relate to AR32. AR42 and AR32 are highly related to each other, e.g., as described in the Specification, Page 2, last paragraph-Page 3; and in Fig. 1. Both these variants comprise overlapping sequences and therefore should not be restricted from each other. It is not clear from Restriction whether the examiner intended to restrict them from each other. Thus, the Restriction can not be made final.

Moreover, all the claims comprise overlapping subject matter that relate to these variants, and it would not be an undue burden on the examiner to carry out a search. "If search and examination of

an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention.” (Emphasis added.) M.P.E.P. 803. Accordingly, withdrawal of the restriction is respectfully requested.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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